IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.34530 of 1998

FRIDAY, THE TWENTY NINTH DAY OF JUNE TWO THOUSAND AND SEVEN

Between:

P. Shankaraiah, S/o. Venkataiah, aged 33 years, Code No.054007, TM. 'D' E.S.G (Engineering Service Group) ECIL, Hyderabad.

… Petitioner

And

Electronic Corporation of India Limited, Represented by its Chairman and Managing Director, Moula Ali, Hyderabad, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in initiating disciplinary proceedings against the petitioner in pursuance of the charge sheet dated 16-05-1998 issued in Proceedings No.ECIL: ESG:054007:1402 as arbitrary and illegal.

2. Petitioner was initially appointed in Electronic Corporation of India Limited as Mali on 20-12-1974, claiming that he belongs to Madiga community, a notified Scheduled Caste, basing on the certificate issued by then Tahsildar, Medchal Taluk. As there was a doubt regarding the veracity of the caste certificate produced by him, the matter was referred to the District Collector. Based on the letter dated 04-04-1998 addressed by the District Collector to the employer of the petitioner, wherein it is stated that petitioner belongs to 'BC' community, and his sub-caste is Gouda, but not Scheduled Caste as declared by him, disciplinary proceedings were initiated and the impugned charge sheet was issued to the petitioner.

3. The case of the petitioner is that the caste certificate issued to him by the competent authority is in force and in view of the provisions of the A.P. (S.C., S.T. & B.C) Regulation of Issue of Community Certificates Act, 1993 ('the Act' for brevity), certificate issued is valid unless and until it is cancelled by the competent authority as per the provisions of the Act. It is stated that as per Section 21 of the Act, a community certificate issued by any authority competent to issue the same before the commencement of the Act shall unless it is cancelled under the provisions of the Act be valid and deemed to have been issued under the provisions of the Act.

4. This writ petition was filed in the year 1998. This court by order dated 11-12-1998 stayed the operation of the impugned proceedings. During the pendency of the writ petition, the Joint Collector appears to have cancelled the caste certificate issued to the petitioner. Questioning the order of the Joint Collector, petitioner filed W.P.No.2504 of 1999 and this court by order dated 09-06-2006 allowed the writ petition by recording a finding that the competent

authority to cancel the caste certificate is the District Collector, but not Joint Collector. It is stated that pursuant thereto no further orders have been passed.

5. In view of the orders of this court dated 09-06-2006, as on today, petitioner holds valid caste certificate issued to him in the year 1974. The sole basis for issuing the impugned charge sheet and initiating disciplinary proceedings is the letter addressed by the District Collector to the employer of the petitioner clarifying his caste as 'BC' but not 'SC'. In view of the provisions under Sections 5 and 21 of the Act, employer cannot enquire into the caste status of an employee and the caste certificate of an employee is deemed to be valid unless and until it is cancelled by the competent authority who had issued it. As the order of the Joint Collector who had earlier cancelled the caste certificate of the petitioner has been set aside by this court, the very charge sheet, which is solely based on the letter addressed by the District Collector, is liable to be quashed. Accordingly the charge sheet dated 16-05-1998 issued by the second respondent in Proceedings No.ECIL: ESG:054007:1402 is quashed. However, respondents are at liberty to pass appropriate orders in the event of cancellation of the caste certificate of the petitioner by the competent authority.

6. The writ petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 29, 2007
MRR